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PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

1605.00002

First named inventor: **KOLLAN PARAMPIL K. KURUVILLA**Application No.: **08/541,516**Art Unit: **2617**Filed: **10/10/95**Examiner: **T. MULLEN**Title: **AUTOMATIC DOOR WARNING SYSTEM**Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ **640** (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in**the form of **FEE TRANSMITTAL** (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$ **640**

- ☐ has been paid previously on _____
☒ is enclosed herewith.

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[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

09/04/2002 AWONDAF1 00000164 08541516

09/04/2002 MAHME2 00000151 08541516

01 FC:241

640.00 OP

01 FC:242

640.00 OP

1605.00002

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

August 29, 2002
Date


Signature

Telephone
Number: (512) 372-8240

DAVID O. SIMMONS
Typed or printed name

P.O. Box 26503
Address

AUSTIN TEXAS 78755-0503

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

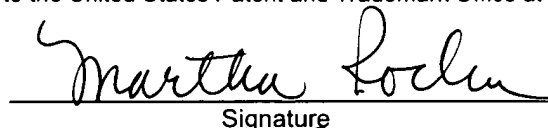
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

8-29-2002
Date


Signature

Martha Rocha
Type or printed name of person signing certificate

Dr. Kollanparampil K. Kuruvilla (hereinafter referred to as Applicant) attests that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The facts in this matter are presented below.

1. On April 4, 1997, a Notice of Allowance for claimed subject matter (i.e., the Allowed Subject Matter) in application serial number 08/541,516 (hereinafter referred to as Subject Patent Application) was mailed from the United States Patent and Trademark Office and received by International Inventor's Club (hereinafter referred to as Applicant's Retained Firm).
2. Due to financial hardship before, during and after the statutory period for paying the required issue fees specified in the Notice of Allowance, Applicant was unable to pay the required issue fee within the statutory period specified in the Notice of Allowance. Accordingly, on July 7, 1997, the subject patent application became abandoned for failure to pay the required issue fees.
3. During the period of time between July 7, 1997 and October of 1997, Applicant made a diligent effort to gather funds required for paying the required issue fee and to seek advice from the Applicant's Retained Firm regarding how to properly proceed with perfecting issuance of a patent pursuant to the Notice of Allowance.
4. On October 28, 1997, Applicant and Applicant's Retained Firm discussed available options for proceeding in this matter. One such option discussed was filing a Petition to Revive the Subject Patent Application abandoned unintentionally under 37 CFR §1.137(b). Shortly thereafter, Applicant instructed Applicant's Retained Firm to proceed by filing a Petition to Revive the Subject Patent Application. Furthermore, Applicant informed Applicant's retained Firm that Applicant agreed to pay the required issue fees specified in the Notice of Allowance and any other fees required to perfect issuance of a patent pursuant to the Notice of Allowance.
5. Subsequent to instructing Applicant's Retained Firm to proceed by filing the Petition to Revive and informing Applicant's retained Firm of Applicant's willingness to pay the fees associated with the Petition to Revive, Applicant was advised by Applicant's Retained Firm that the most effective course of action was filing a Substitute Application rather than filing the Petition to Revive the Subject Patent Application.
6. Applicant chose to follow the advice given by Applicant's Retained Firm and agreed to proceed by filing the Substitute Patent Application. Accordingly, on June 6, 1998, Applicant's Retained Firm filed the Substitute Patent Application (Application Serial No. 093197) on behalf of Applicant.
7. On November 16, 1999, United States Utility Patent No. 5,986,561 issued from the Substitute Patent Application.

8. In February of 2002, Applicant contacted registered Patent Attorney Raymond Galasso at the Firm of Simon, Galasso & Frantz regarding representation of Applicant in an infringement matter pertaining to Applicant's US Patent No. 5,986,561. In the ensuing discussions, facts surrounding abandonment of the Subject Patent Application were brought to the attention of Mr. Galasso. Based on the facts in this matter, Mr. Galasso advised Applicant of his right to file a Petition to Revive the Subject Patent Application abandoned unintentionally under 37 CFR §1.137(b). Applicant would have filed the Petition earlier if advise and counsel were given supporting the reasons why filing a Petition would have been the better course of action over filing a Substitute Application namely securing an earlier filing date. Thus, the delay was unintentional by the Applicant. Had Applicant been given advice earlier to file Petition he would have done so.
9. Applicant diligently proceeded with retaining Simon, Galasso & Frantz from February 2002 thru July 2002 for the purpose of filing the Petition to Revive the Subject Patent Application.
10. Upon receipt of all of the retainer required by Simon, Galasso & Frantz, Simon, Galasso & Frantz prepared the present Petition in August 2002. From February 2002 thru July 2002, Applicant gathered and paid over time the retainer required by Simon, Galasso & Frantz. The present Petition was filed in August 2002 upon payment by Applicant of the petition fee and issue fee required by the United States Patent & Trademark Office.

Applicant's Signature: _____

Applicant's Printed Name: _____

Date Signed: _____



Kollanparampil K. Kuruvilla

8/21/02.